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Remarks/arguments:

This paper is being filed in response to the office action dated Sept. 26, 2003 which is identified as a FINAL action. However, the so called FINAL action certainly is not, as it fails to mention all claims, particularly new apparatus claim 8. Accordingly, the office is respectfully requested to withdraw the FINAL rejection. Furthermore, the office is respectfully requested to allow this application for the reasons fully set forth below.

Initially, the office action is incomplete because it fails to mention new claim 8, other than in the "Office Action Summary." Since it is not rejected, applicant must assume that it is allowable. It should be noted that claim 8 is an apparatus claim drawn in a means plus function format, the functions being set forth in method claim 6. Since it is an apparently allowable linking claim, than the examiner should act on method claim 6.

Turning now to the text of the FINAL rejection. The examiner has rejected claims 1-5 as unpatentable over d'Autry '063 in view of Treptow '686 as taught by Dunipace '146. This is a new grounds of rejection and therefore applicant is entitled to respond to this rejection, even though this new grounds of rejection may have been necessitated by applicant's amendment.

Claim 1 and 4 are directed to a pipette which has an inexpensive disposable pipette tip made of an extruded plastic tube, and a suction device which has a funnel shaped tip for the receipt of the pipette tip. More particularly claim 1 recites, in part: "A pipette assembly having a small volume disposable tip capable of taking very small quantities of samples in an accurate manner, the pipette assembly being of an inexpensive construction, the pipette assembly comprising ... a female receiver of a funnel shape for receiving disposable pipette tips; and a disposable pipette tip formed of extruded plastic tubing which has relatively uniform inside and outside diameters throughout its length, the tubing being snugly received in the funnel shaped female receiver of the suction device." Claim 4 is similar and recites in part: "A pipette assembly having a small volume disposable tip capable of taking very small quantities of samples in an accurate manner, the pipette assembly being of an inexpensive construction, the pipette assembly comprising: a suction device having ... a female receiver of a funnel shape for receiving disposable pipette tips, and a disposable pipette tip formed of extruded plastic tubing which has relatively uniform inside and outside diameters throughout its length, the tubing being snugly received in the female receiver of the suction device." This combination of features is simply not taught by the prior art cited and applied by the examiner. There is no teaching in d'Autry of a disposable plastic tip of formed of extruded

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plastic tubing which has relatively uniform inside and outside diameters. The examiner has stated that: "d'Autry contains a capillary tube (24) adapted to be fitted with a funnel shaped female member...". There is simply no teaching of a this. More specifically, there is no teaching of a female receiver of a funnel shape which receives a disposable pipette tip. The examiner recognized that d'Autry does not teach the extruded plastic tip, but misinterprets d'Autry with respect to the funnel shape. Accordingly, as the primary reference does not teach claimed features of this invention, as alleged by the examiner, and as the secondary reference also fail to teach these features, the allowance of independent claims 1 and 4, as well as their dependant claims 2, 3, & 5 is respectfully requested. Claim 8, which the examiner has failed to mention also recites these features.

The examiner next relies upon Treptow for a teaching of using a plastic material for a disposable pipette tip. Applicant haws no argument with this, but must disagree with further statements of the Examiner. Thus the examiner states that the Treptow tip "may be manufactured for very low costs." Applicant fails to find this in the text of the Treptow patent.

The examiner next relies upon Dunipace. The Examiner states: "Dunipace teaches a method of forming plastic pipettes. The method uses an extrusion process [wrong!] to transfer plastic into disposable pipettes." What Dunipace actually teaches is: "... apparatus and method for forming a pair of similar, if not identical, pipets from a single length or blank of thermoplastic tubing of uniform dimensions, by heating to a soft deformable state, a medial portion of the blank and elongating such heat-softened portion axially thereby to form a localized area of reduced cross-section, which area upon cooling is severed medially of its length to form a tapered delivery or discharge end on each of two similarly-shaped pipets." This is not an extrusion process, and therefore the pipette tips made by this process are not extruded. For the benefit of the examiner, extrusion is defined as: "1. The act or process of pushing or thrusting out. 2. The act or process of shaping by forcing through a die. 3. An object or material produced by extruding." Clearly Dunipace does not teach making an extruded part. While it agreed that Dunipace teaches making plastic pipettes of uniform dimensions, he does not teach pipettes "having relatively uniform inside and outside dimensions throughout its length as required by the claims. Therefore, while Dunipace is of interest for what it teaches, its teachings have nothing to do with what is being claimed.

Individually the references do not teach what the examiner alleges. Furthermore, their combination is totally without merit. Accordingly, the Examiner is respectfully requested to withdraw this FINAL rejection and to allow all claims.

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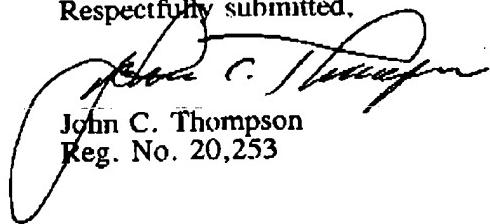
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In passing, it should be noted that this is a highly developed art. Other reference which applicant has uncovered include US patents 4,662,545 and 5,454,491 and French patents 2319117 and 2446672. While all of these patent show a pipette tip of uniform diameter throughout their lengths, none show the additional feature of a funnel shaped receiver. This combination of features makes the pipette of the present application very easy to use, and as the pipette is formed of commercially available extruded plastic very inexpensive.

The prompt allowance of all claims of this application is respectfully requested.

Respectfully submitted,



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